



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,112	10/19/2001	Jeffrey A. Gariepy	Q01-1037	2878

7590

03/18/2004

Robert A Saltzberg
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105

EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
2652	18

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,112

Applicant(s)

GARIEPY ET AL.

Examiner

William J. Klimowicz

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-61 is/are pending in the application.
- 4a) Of the above claim(s) 22-31, 33 and 48 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 51-58 is/are allowed.
- 6) ☒ Claim(s) 32, 34-36, 39-45, 49, 50 and 59 is/are rejected.
- 7) ☒ Claim(s) 37, 38, 46, 47, 60 and 61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 14.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicants' election with traverse of in Paper No. 17 (filed February 9, 2004) is acknowledged.

It is noted that the Applicants have identified that the elected embodiment (Species II and Subspecies IIa) read on claims 32, 34-47 and 49-61. It is furthermore the Applicants' contention that claims 32, 34-36, 39-45, 49 and 50 are generic claims.

The traversal is on the ground(s) that the restriction requirement has "not adequately demonstrated reasons or examples to support its conclusions." See page 2 of Applicants' response filed February 9, 2004 (Paper No. 17). The Applicants then appear to allege that the Species and Subspecies identified by the Examiner can somehow be transformed into an undisclosed "hybrid-like" embodiment, encompassing all facets of the two mutually exclusive embodiments. *Id.* at page 3 bridging page 4.

The Examiner maintains that the Applicants allegations are meritless. More concretely as set forth in the original restriction requirement (see Paper No. 13, mailed October 28, 2003), the amended application set forth mutually exclusive and distinct embodiments (based on the original disclosure as of the original filing date) drawn to the following patentably distinct species (*a priori*) of the claimed invention:

Specie I drawn to a transport assembly having a cartridge mover including a pass-through assembly.

Art Unit: 2652

Specie II drawn to a transport assembly having a cartridge mover including at least one gripper.

Subspecie IIa - drawn to the transport assembly having a cartridge mover of Specie II wherein there is a second gripper that moves perpendicular to the first gripper.

Subspecie IIb - drawn to the transport assembly having a cartridge mover of Specie II wherein there is a second gripper that moves parallel to the first gripper.

Applicants were then required under 35 U.S.C. 121 to elect a single disclosed species (and if Species II was elected, to further elect among one of subspecies IIa and IIb) for prosecution on the merits to which the claims shall be restricted if no generic claim was finally held to be allowable. It is noted that based on the rejection, *infra*, there exists no allowable generic linking claim.

The Examiner steadfastly maintains that the search for the two mutually exclusive embodiments and their pertinent subspecies of embodiments, without question, would impose a harsh, drastic and serious burden upon the Examiner.

Moreover, the Examiner maintains all that is required to show a restriction is proper, in addition to being a serious burden to the Examiner, is that the inventions be independent **or** distinct, not independent **and** distinct as Applicants apparently would have the Examiner believe.

More specifically, as set forth in MPEP § 803:

Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § 806.04 - § 806.04(i)) **or** distinct (MPEP § 806.05 - § 806.05(i)). [Emphasis in bold italics added].

Moreover as set forth in MPEP § 802.01, the meaning of independent “and” distinct within the context of Patent Office restriction policy and practice is articulated as follows:

35 U.S.C. 121 quoted in the preceding section states that the Commissioner may require restriction if two or more “independent and distinct” inventions are claimed in one application. In 37 CFR 1.141, the statement is made that two or more “independent and distinct inventions” may not be claimed in one application.

This raises the question of the subjects as between which the Commissioner may require restriction. This, in turn, depends on the construction of the expression “independent and distinct” inventions.

“Independent”, of course, means not dependent. If “distinct” means the same thing, then its use in the statute and in the rule is redundant. If “distinct” means something different, then the question arises as to what the difference in meaning between these two words may be. The hearings before the committees of Congress considering the codification of the patent laws indicate that 35 U.S.C. 121: “enacts as law existing practice with respect to division, at the same time introducing a number of changes.”

The report on the hearings does not mention as a change that is introduced, the subjects between which the Commissioner may properly require division.

The term “independent” as already pointed out, means not dependent. A large number of subjects between which, prior to the 1952 Act, division had been proper, are dependent subjects, such as, for example, combination and a subcombination thereof; as process and apparatus used in the practice of the process; as composition and the process in which the composition is used; as process and the product made by such process, etc. If section 121 of the 1952 Act were intended to direct the Commissioner never to approve division between dependent inventions, the word “independent” would clearly have been used alone. If the Commissioner has authority or discretion to restrict independent inventions only, then restriction would be improper as between dependent inventions, e.g., the examples used for purpose of illustration above. Such was clearly not the intent of Congress. Nothing in the language of the statute and nothing in the hearings of the committees indicate any intent to change the substantive law on this subject. On the contrary, joinder of the term “distinct” with the term “independent”, indicates lack of such intent. The law has long been established that dependent inventions (frequently termed related inventions) such as used for illustration above may be properly divided if they are, in fact, “distinct” inventions, even though dependent.

Thus, clearly, the restriction is proper if the Examiner shows that the invention are distinct or independent, but not necessarily both independent and distinct.

Additionally, it is noted that the Applicants did not traverse on the ground that the species and/or sub-species are not patentably distinct. If the Applicants were to traverse on the ground that the species are not patentably distinct, the Applicants should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. If the Applicants were to include such a statement, the election requirement would be withdrawn. In either instance, however, if the Examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

The requirement is still deemed proper and is therefore made FINAL.

This application contains claims 22-31, 33 and 48 drawn to an invention nonelected with traverse in Paper No. 17. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Status

Claims 1-21 have been voluntarily cancelled by the Applicants.

Claims 22-61 remain currently pending.

Claims 22-31, 33 and 48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 17.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they apparently fail to show the “cartridge receiver 58” (i.e., there appears to be no designator 58 in any of the drawings) as set forth in the instant specification at page 6, line 33. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: On page 12, line 33 of the instant specification, the designator for the “second gripper mover” (i.e., designator 90), should be changed to the designator 97 (e.g., see page 12, line 31 and Figure 5 of the instant specification) in order to remain consistent.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 41 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in

Art Unit: 2652

the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure:

(i) claim 41 (line 1-2), "the tape receivers."

(ii) claim 42 (line 3), "the tape receivers."

That is, is the reference "tape receivers" referring to the previously recited "first" or "second" transport receiver, or perhaps, some unreferenced structure? The confusion renders the claims unascertainable as to scope with any degree of reasonable certainty.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32, 34-36, 39-45, 49, 50 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyce et al. (JP 6-282918 A).

As per claim 32, Boyce et al. (JP 6-282918 A) discloses a storage system (20) for use with a first cartridge (38) and a second cartridge (another cartridge (38)), the storage system (20) comprising: a storage rack (21) including a plurality of recording receivers (34) and a transporter sensor (see, *inter alia*, paragraph [0008] and [0030] of enclosed English machine translation); a recording drive (44) including a cartridge receiver (46); and a transport assembly (50) that is positioned near the storage rack (21) and the recording drive (44), the transport assembly (50) moving the first cartridge (38) and the second cartridge (38) between the storage rack (21) and

Art Unit: 2652

the recording drive (44), the transport assembly (50) including (i) a transporter (120) having a first transport receiver (e.g., upper (49) as seen in FIG. 5) that receives the first cartridge (38) and a second transport receiver (e.g., lower (49) as seen in FIG. 5) that receives the second cartridge (38), and (ii) a transport mover (i.e., the means for moving the unit (50), including motor and pertinent structure as set forth at paragraph [0016], *et seq.* of enclosed English machine translation) for moving the transporter (120) relative to the storage rack (21) and the recording drive; wherein the transporter sensor (see, *inter alia*, paragraph [0008] and [0030] of enclosed English machine translation) senses when the transporter (120) is positioned near the desired recording receiver (34).

As per claim 34, wherein the transport mover (i.e., the means for moving the unit (50), including motor and pertinent structure as set forth at paragraph [0016], *et seq.* of enclosed English machine translation) moves the transporter (120) along an X axis and along a Y axis (e.g., see, *inter alia*, paragraph [0008] of enclosed English machine translation).

As per claim 35, wherein the transport mover rotates the transporter about a Z axis that is substantially perpendicular to the X and Y axes (e.g., see, *inter alia*, paragraph [0008] of enclosed English machine translation).

As per claim 36, further including a guide (e.g., (72, 74)) that extends substantially between the storage rack (21) and the recording drive (44), the transport mover (i.e., the means for moving the unit (50), including motor and pertinent structure as set forth at paragraph [0016], *et seq.* of enclosed English machine translation) moving the transporter (120) between the storage rack (21) and the recording drive (44) along the guide (72, 74).

Art Unit: 2652

As per claim 39, Boyce et al. (JP 6-282918 A) further discloses a transport assembly (50) for moving a first cartridge (first (38)) and a second cartridge (another (38)) between a storage rack (21) and a recording drive (44), the recording drive (44) including a cartridge receiver (46), the transport assembly (50) comprising: a transporter (120) including a first transport receiver (e.g., upper (49) as seen in FIG. 5) that receives the first cartridge (38) and a second transport receiver (e.g., lower (49) as seen in FIG. 5) that receives the second cartridge (38); and a transport mover (i.e., the means for moving the unit (50), including motor and pertinent structure as set forth at paragraph [0016], *et seq.* of enclosed English machine translation) that moves the transporter (120) relative to the storage rack (21) and the recording drive (44), the transport mover (i.e., the means for moving the unit (50), including motor and pertinent structure as set forth at paragraph [0016], *et seq.* of enclosed English machine translation) moving the transporter (120) along an X axis and a Y axis, and rotating the transporter (120) about a Z axis that is substantially perpendicular to the X and Y axes (e.g., see, *inter alia*, paragraph [0008] of enclosed English machine translation).

As per claim 40, wherein the X axis is substantially perpendicular to the Y axis (e.g. see, *inter alia*, FIG. 1).

Insofar as claim 41 can be understood, wherein at least one of the recording receivers (e.g., at mail slot (100, 102, 103, etc), where the entry cartridge is slotted into a receiver along the x-axis as seen in FIG. 1) is positioned substantially perpendicular to the cartridge receiver (44).

Insofar as claim 42 can be understood, wherein the transport mover (i.e., the means for moving the unit (50), including motor and pertinent structure as set forth at paragraph [0016], *et*

Art Unit: 2652

seq. of enclosed English machine translation) rotates the transporter (120) between zero degrees and approximately 180 degrees about the Z axis to transport one of the cartridges (38) between one of the recording receivers (e.g., 34) and the cartridge receiver (46). That is, when the cartridge (38) is flipped 180 about shaft (54) after being retrieved from rack (21), the cartridge (38) can be delivered to drive (44).

As per claim 43, further including a guide (e.g., including all or parts of (72, 74) and (70)) that extends substantially between the storage rack (21) and the recording drive (44), the transport mover (i.e., the means for moving the unit (50), including motor and pertinent structure as set forth at paragraph [0016], *et seq.* of enclosed English machine translation) moving the transporter (120) between the storage rack (21) and the recording drive (44) along the guide (72, 74).

As per claim 44, wherein the guide is “somewhat” L-shaped (e.g., when the transporter (120) is moved all the way to the left side in FIG. 1, the bars (70) and (72) form a “somewhat” L-shape).

As per claim 45, wherein the guide is “somewhat” T-shaped (e.g., when the transporter (120) is moved to the middle in FIG. 1, the bars (70) and (74) form a “somewhat” T-shape).

As per claim 49, a storage system (20) is provided including the storage rack (21), the recording drive (44) and the transport assembly (50) of claim 39 that is positioned near the storage rack (21) and the recording drive (44).

As per claim 50, wherein the storage rack (21) includes a plurality of recording receivers (including (34)) wherein a transporter sensor (see, *inter alia*, paragraph [0008] and [0030] of

Art Unit: 2652

enclosed English machine translation) senses when the transporter (120) is positioned near at least one of the recording receivers (34).

As per claim 59, Boyce et al. (JP 6-282918 A) discloses a method for moving a first cartridge (38) and a second cartridge (another (38)) between a storage rack (21) and a recording drive (44), the method comprising the steps of: gripping a first cartridge (38) with a gripper assembly (including, *inter alia*, 410, 420, 408, and linear sliding elements (66, 68)); moving the gripper assembly (including, *inter alia*, 410, 420, 408, etc.) along a first axis (e.g., z-axis) relative to a transporter (including elements (74) and (72), which function in assisting the linear movement of (120) in a passive manner, and hence "transport") with a first gripper mover (means to move (49)) to move the first cartridge (38) into the transporter (e.g., beyond a plane defined by (72) and (74), and hence "into the transporter"); moving the gripper assembly (including, *inter alia*, 410, 420, 408, and linear sliding elements (66, 68)) along a second axis (x-axis as seen in FIG. 1) relative to the transporter (including elements (74) and (72)) with a second gripper mover (means for moving the "gripper" along (72) and (74) via slide bearings (66, 68)), the second axis (x-axis) being substantially perpendicular to the first axis (z-axis); gripping a second cartridge (e.g., cartridge (38) which resides in drive (44)) with the gripper assembly (including, *inter alia*, 410, 420, 408, and linear sliding elements (66, 68)); and moving the gripper assembly (including, *inter alia*, 410, 420, 408, and linear sliding elements (66, 68)) along the first axis (z-axis) relative to the transporter (including elements (74) and (72)) with the first gripper mover (means to move (49)) to move the second cartridge (38) into the transporter (including elements (74) and (72)).

Art Unit: 2652

With regard to claims 32, 39, and 59, however, Boyce et al. (JP 6-282918 A) does not expressly show wherein the recording drive (44) is a tape drive.

Official notice is taken that library devices of the type and analogous to the library device of Boyce et al. (JP 6-282918 A), which use a tape drive as a recording drive are notoriously old and well known and ubiquitous in the art; such Officially noticed fact being capable of instant and unquestionable demonstration as being well-known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the library concepts of Boyce et al. (JP 6-282918 A), e.g., the improvement of speed, reliability and flexibility, in a conventional analogous tape system, which includes a tape drive.

The rationale is as follows: one of ordinary skill in the art would have been motivated to utilize the teachings of the library concepts of Boyce et al. (JP 6-282918 A), e.g., the improvement of speed, reliability and flexibility, in a conventional analogous tape system, which includes a tape drive in order to provide the general advantages of such improved speed, reliability and flexibility within an analogous tape drive library system, as would be readily recognized by one having ordinary skill in the library art. No new or unobvious result is seen to be obtained by using the advantages of the optical library of Boyce et al. (JP 6-282918 A) with tape media, in lieu of optical media (and hence library drives), given the general knowledge within the art of the applicability and cross over advantages of using general library transport systems with either tape media, magnetic disk/tape media, or optical disc/tape media.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Numasaki (US 5,001,582).

As per claim 32, Numasaki (US 5,001,582) discloses a transport assembly for moving a first cartridge (10) and a second cartridge (another of 10) between a storage rack (13) and a recording/reproducing media drive (3), the recording/reproducing media drive including a cartridge receiver (79), the transport assembly (14) comprising: a transporter (58) including a first transport receiver (71) adapted to receive the first cartridge (10) and a second transport receiver (72) adapted to receive the second cartridge (second 10); and a transport mover (e.g., including structure for moving, rotating (14)) for moving the transporter relative to the storage rack (13) and the recording/reproducing media drive. Additionally, a storage system (4) includes the storage rack (13), the recording/reproducing media drive (3) and the transport assembly of claim 1 that is positioned near the storage rack (13) and the recording/reproducing media drive (3). Additionally, still, the storage rack (13) includes a plurality of recording/reproducing media receivers (17) and a transporter sensor (including sensor (20) which indicates the storage of a disc cassette that is to be retrieved and/or also encoder (57) - see, e.g., COL. 9, lines 21-47, in particular), the transporter sensor (20/57) sensing when the transporter is positioned near the desired recording/reproducing media receiver (17).

Art Unit: 2652

With regard to claim 32, although Numasaki (US 5,001,582) does not expressly show the library and transport assembly as utilizing tape cartridges (single reel magnetic tape as per claim 21), in lieu of optical media in cartridges, Official notice is taken that tape cartridges (single reel magnetic tape) used in libraries inclusive of racks and recording/reproducing media drives are notoriously old and well known in the art, capable of instant demonstration.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the library of Numasaki (US 5,001,582) as utilizing tape in lieu of discs, as is well known in the library storage art.

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the library of Numasaki (US 5,001,582) as utilizing tape in lieu of discs, as is well known in the library storage art, since tape and discs are art recognized equivalents (in terms of storage and retrieval of information data on portable storage media) and further it would be advantageous to provide tape media (in lieu of discs) and their associated tape drives, since tape allows for a greater capacity per cartridge, than disc media, as is well known, established and appreciated in the art.

Response to Arguments

Applicants' arguments with respect to the pending rejected claims (as applied by the new reference - Boyce et al. (JP 6-282918 A)) have been considered but are moot in view of the new ground(s) of rejection.

Applicants' arguments filed September 16, 2003 as it applies to claim 32 have been fully considered but they are not persuasive.

Art Unit: 2652

The Applicants allege that Numasaki (US 5,001,582) fails to disclose a sensor in the manner prescribed by newly presented claim 32.

The Examiner respectfully disagrees, when the Numasaki (US 5,001,582) is viewed as a whole. More concretely, as set forth in the rejection, *supra*, Numasaki (US 5,001,582) discloses a transporter sensor (including sensor (20) which indicates the storage of a disc cassette that is to be retrieved and/or also encoder (57) - see, e.g., COL. 9, lines 21-47, in particular), the transporter sensor (20/57) sensing when the transporter is positioned *near the desired* recording/reproducing media receiver (17). Portion (20) enables the encoder to sense that there is indeed a disc present in the particular receiver being referenced.

Allowable Subject Matter

Claims 37, 38, 46, 47, 60 and 61 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 51-58, as presently amended, appear to define over the cited and applied art of record.

Conclusion

Applicants' amendment expressly canceling all pending claims, and presently new claims, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

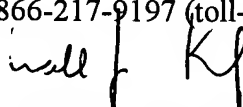
Art Unit: 2652

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William J. Klimowicz
Primary Examiner
Art Unit 2652

Application/Control Number: 10/029,112

Art Unit: 2652

Page 17

WJK